

251 North Avenue West, 2nd Floor
Westfield, New Jersey 07090
Tel.: (908) 518-7700
Fax: (908) 518-7795

Mayer & Williams PC
Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER

OCT 25 2005

Fax

To:	OFFICE OF PETITIONS	From:	Marjorie Scariati
Fax:	571-273-8300	Pages:	18
Phone:		Date:	10/25/2005
Re:	10/632,670	CC:	
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited.

If you received this communication in error, please immediately notify us by a collect telephone call to the writer and return the original message and documents to us at the above address via the United States postal service.

PLEASE SEE ATTACHED:

1. 2-page Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b) and Response to Notice to File Missing Parts
2. Copy of the Notice of Abandonment
3. Copy of the Missing Parts Notice
4. 3-page Response to Notice to File Missing Parts
5. Copy of executed Declaration from parent application 10/098,746
6. 6-page Preliminary Amendment

RECEIVED
OPE/IAP

OCT 26 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

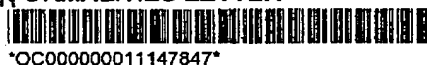
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/632,670	08/01/2003	Thomas Andrew Strasser	PH01-00-04D CON

27774
MAYER, FORTKORT & WILLIAMS, PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

RECEIVED CONFIRMATION NO. 2692
CENTRAL FAX CENTER FORMALITIES LETTER

OCT 25 2005



OC000000011147847

Date Mailed: 10/30/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$162 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$612 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

10/26/2005 HDEMESS1 00000089 501047 10632670

01 FC:2011 150.00 DA
02 FC:2111 250.00 DA
03 FC:2311 100.00 DA
04 FC:2051 65.00 DA

OCT 25 2005 17:59

MAYER FORTKORT WILLIAMS Fax: 908-518-7795

- Total additional claim fee(s) for this application is \$162

- \$162 for 18 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BEST AVAILABLE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/632,670	08/01/2003	Thomas Andrew Strasser	PH01-00-04D CON

RECEIVED
CENTRAL FAX CENTER

OCT 25 2005

CONFIRMATION NO. 2692

ABANDONMENT/TERMINATION
LETTER

OC000000014186722

OC000000014186722

27774
MAYER, FORTKORT & WILLIAMS, PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

Date Mailed: 10/25/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/30/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Z. Morgan
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

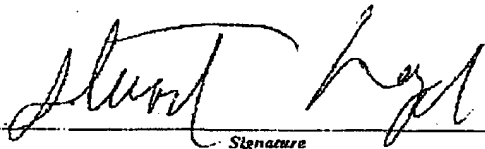



BEST AVAILABLE COPY

Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(Small Entity)					Docket No. PH01-00-04D CON	
In Re Application Of: Thomas Andrew Strasser et al.						
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.	
10/632,670	08/01/2003	Unassigned	27774	2874	2692	
Invention: MODULAR ALL-OPTICAL CROSS CONNECT				RECEIVED CENTRAL FAX CENTER OCT 25 2005		
<u>Mail Stop Missing Parts</u> <u>COMMISSIONER FOR PATENTS:</u>						
This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on <u>10/30/2003</u> <i>Date</i>						
Enclosed herewith for filing are the following:						
<input checked="" type="checkbox"/> A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (REQUIRED)						
<input type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.						
<input checked="" type="checkbox"/> A properly signed oath or declaration in compliance with 37 CFR 1.63.						
<input type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.						
<input type="checkbox"/> A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.						
<input type="checkbox"/> _____ verified small entity declaration(s)						
<input type="checkbox"/> is/are attached.						
<input type="checkbox"/> was/were filed on _____						
<input type="checkbox"/> A separate request for refund.						
<input checked="" type="checkbox"/> Other (list):						
<div style="border: 1px solid black; height: 100px; margin-top: 5px;"> Preliminary Amendment </div>						

Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(Small Entity)				Docket No. PH01-08-042-CON RECEIVED	
In Re Application Of: Thomas Andrew Strasser et al.				CENTRAL FAX CENTER OCT 25 2005	
Application No. 10/632,670	Filing Date 08/01/2003	Examiner Unassigned	Customer No. 27774	Group Art Unit 2874	Confirmation No. 2692
Invention: MODULAR ALL-OPTICAL CROSS CONNECT					
<u>TO THE COMMISSIONER FOR PATENTS:</u> <u>Mail Stop Missing Parts</u>					
<input checked="" type="checkbox"/> Completion of application fees as calculated below:					
<input checked="" type="checkbox"/> Utility application basic fee					\$150.00
<input type="checkbox"/> Design application basic fee					
<input checked="" type="checkbox"/> Search Fee					\$250.00
<input checked="" type="checkbox"/> Examination Fee					\$100.00
<input checked="" type="checkbox"/> Total number of independent claims = <u>2</u>					
<input checked="" type="checkbox"/> Total number of claims = <u>20</u>					
<input type="checkbox"/> Multiple dependent claims					
<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath					\$65.00
<input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor					
<input type="checkbox"/> Fee for processing an application filed with a non-English language specification					
<input type="checkbox"/> Fee for processing and retention of application					
Total completion of application fees					\$565.00
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.</p>					
<input type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months					
from: _____ until: _____ <div style="text-align: center; width: 30%;"><i>Date</i></div> <div style="text-align: center; width: 30%;"><i>Date</i></div>					
Total time extension fees					
Total fees due					\$565.00

RECEIVED
CENTRAL FAX CENTER

OCT 25 2005

Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533) (Small Entity)					Docket No. PH01-00-04D Con							
In Re Application Of: Thomas Andrew Strasser et al.												
Application No. 10/632,670	Filing Date 08/01/2003	Examiner Unassigned	Customer No. 27774	Group Art Unit 2874	Confirmation No. 2692							
Invention: MODULAR ALL-OPTICAL CROSS CONNECT												
<p><u>TO THE COMMISSIONER FOR PATENTS:</u></p> <p><u>Mail Stop Missing Parts</u></p>												
<p>The fee of 565 is to be paid as follows:</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1047</p> <p><input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-1047</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>												
 Signature			Dated: 10/25/2005									
Stuart H. Mayer Reg. No. 35,277 Mayer & Williams PC 251 North Avenue West, 2nd Floor Westfield, NJ 07090 Tel.: 908-518-7700			VIA FACSIMILE: 571-273-8300									
cc:			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 10/25/05 (Date) </td> </tr> <tr> <td colspan="2" style="text-align: center;">  Signature of Person Mailing Correspondence </td> </tr> <tr> <td colspan="2" style="text-align: center;"> Marjorie Scarlatti Typed or Printed Name of Person Mailing Correspondence </td> </tr> </table>				I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 10/25/05 (Date)		 Signature of Person Mailing Correspondence		Marjorie Scarlatti Typed or Printed Name of Person Mailing Correspondence	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 10/25/05 (Date)												
 Signature of Person Mailing Correspondence												
Marjorie Scarlatti Typed or Printed Name of Person Mailing Correspondence												